

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

IN RE: ) Case No. 08-35653-KRH  
          ) )  
CIRCUIT CITY STORES, INC., et al., ) Chapter 11  
          ) )  
Debtors.         ) Jointly Administered  
          )

**RESPONSE OF WASHINGTON REAL ESTATE INVESTMENT TRUST TO  
LIQUIDATING TRUST'S FORTY-SECOND OMNIBUS OBJECTION TO LANDLORD  
CLAIMS (REDUCTION OF CERTAIN INVALID CLAIMS-MITIGATION)  
(Claim No. 13503)**

COMES NOW Washington Real Estate Investment Trust ("WRIT) and hereby files its response (the "Response") to the Liquidating Trust's Forty-Second Omnibus Objection to Landlord's Claims (the "Objection"). In the Objection, the Liquidating Trust asserts that WRIT's Claim No. 13503 (the "Claim") filed in the amount of \$845,494.71 should be reduced and allowed in the sum of \$67,544.07. WRIT opposes the relief sought by the Liquidating Trust in the Objection and requests that the Claim be allowed in the full amount in which it was filed. In support of the Response, WRIT states the following:

1. The Liquidating Trust's Objection asserts that the Claim should be reduced subject to modification upon timely receipt of mitigation information.

2. The Claim should be not reduced as WRIT has been unable to mitigate damages sought in its Claim. Despite efforts to find a successor lessee, WRIT has not been unable to find a new lessee for the nonresidential real property and improvements located at 17766 Groh Garland Groh Boulevard, Hagerstown, MD (the "Premises").

3. Since the rejection of the written lease agreement for the Premises, WRIT has employed an in-house broker to try and locate a successor lessee for the Premises. The Premises is marketed at every shopping center industry conference sponsored by the lead shopping center trade association, The International Council of Shopping Centers (the "ICSC"), which is a highly effective means of marketing shopping center space in the retail industry. Additionally, WRIT has leasing signs posted on the Premises. The in-house broker has been unable to find a successor lessee for the Premises. Furthermore, the in-house broker continues to try and market the Premises.

4. The party with authority to discuss mitigation issues/efforts and the facts stated in this Response is the following:

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Director, Retail Asset Management  
Washington Real Estate Investment Trust  
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WHEREFORE, Washington Real Estate Investment Trust respectfully requests that the Court deny the Liquidating Trust's Objection to WRIT's Clam No. 13503 and that Claim No. 13503 be allowed by Court order in the amount of \$845,494.71.

Respectfully submitted,

Dated:June 14, 2012

MAGRUDER COOK  
& KOUTSOUFTIKIS

By: /s/ Leon Koutsouftikis  
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Counsel for Washington Real Estate  
Investment Trust

**CERTIFICATE OF SERVICE**

PLEASE TAKE NOTICE that copies of the foregoing Response of Washington Real Estate Investment Trust to Liquidating Trust's Forty-Second Omnibus Objection to Landlord Claims (Reduction of Certain Invalid Claims-Mitigation) (Claim No. 13503) were served electronically using the ECF system on all registered users of the CM/ECF system who have filed notices of appearance in this matter, and were also mailed, first-class, postage prepaid, this 14<sup>th</sup> day of June 2012, to:

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